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13 TRAVIS KALANICK

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 WAYMO LLC,  
18 Plaintiffs,  
19 v.  
20 UBER TECHNOLOGIES, INC.;  
21 OTTOMOTTO, LLC; OTTO TRUCKING  
22 LLC,  
23 Defendants.

Case No.: 17-cv-00939-WHA

**DECLARATION OF ROBERT L.  
URIARTE IN SUPPORT OF MR.  
KALANICK'S OPPOSITION TO  
WAYMO'S MOTION TO COMPEL  
MR. KALANICK'S CELL  
PHONE/CELL PHONE IMAGE**

1 I, Robert L. Uriarte, hereby declare:

2 1. I am a member of the bar of the California State Bar, admitted to practice before this  
3 Court, and am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),  
4 counsel for Travis Kalanick. I have personal knowledge of the facts stated in this declaration,  
5 except as to those facts stated on information and belief, which I believe to be true. I could and  
6 would testify competently to the matters stated herein.

7 2. On June 28, 2017, Orrick retained Fidelis Cybersecurity (“Fidelis”) on behalf of Mr.  
8 Kalanick. After supervising Stroz Friedberg’s creation of an image of Mr. Kalanick’s mobile  
9 device at Orrick’s San Francisco office, Fidelis Senior Cybersecurity Analyst Allan T. Vogel  
10 provided Orrick with a Microsoft Excel spreadsheet containing text message data exported from  
11 Mr. Kalanick’s personal mobile device.

12 3. I was one of three Orrick attorneys responsible for conducting an eyes-on review of each  
13 line of data in the spreadsheet provided by Mr. Vogel. My colleagues and I conducted a thorough  
14 review of each line of data in order to identify text messages between Mr. Kalanick and Anthony  
15 Levandowski. In total, we identified 554 text messages between Mr. Kalanick and Mr.  
16 Levandowski. I am informed and believe that each of these 554 text messages has been produced  
17 to Waymo by Uber’s counsel.

18 4. The excel spreadsheet provided to Orrick by Mr. Vogel contained “from” field metadata  
19 for text messages but did not contain “to” field metadata for nearly all outgoing text messages. In  
20 order to identify outgoing messages to Mr. Levandowski for which no “to” field metadata was  
21 provided, my colleagues and I reviewed the date and time stamps, content, and context of each  
22 outgoing message and compared that information to incoming messages from Mr. Levandowski  
23 and others.

24 5. In addition to conducting a specific manual search for text messages between Mr.  
25 Kalanick and Mr. Levandowski, my colleagues and I also searched for other text messages that  
26 might be relevant to the parties’ dispute, including by applying to Mr. Kalanick’s text message  
27 data a set of ESI search terms provided to Orrick by Uber’s counsel. I am informed and believe  
28 that the ESI search terms provided by Uber’s counsel to Orrick include the parties’ agreed-to ESI

1 search terms for this case. Based on the results of Orrick's ESI terms searches, my colleagues  
2 and I identified an additional 21 responsive text messages, which I am informed and believe have  
3 already been produced to Waymo by Uber's counsel, with the exception of privileged text  
4 messages between Mr. Kalanick and Uber's counsel.

5 6. During the course of our review, my colleagues and I identified 13 text messages sent  
6 from Mr. Kalanick to Mr. Levandowski between February 13 and April 5, 2016. I am informed  
7 and believe that each of these text messages has already been produced to Waymo by Uber's  
8 counsel.

9  
10 I declare under penalty of perjury under the laws of the United States that the foregoing is  
11 true and correct. Executed on this 10th day of August, 2017 at Menlo Park, California.

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13 

14 Robert L. Uriarte